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NOTICE OF ALLOWANCE AND FEE(S) DUE

22887 7590 03/29/2004

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

MONBLEAU, DAVIENNE N

ART UNIT PAPER NUMBER

2878

DATE MAILED: 03/29/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,969	08/29/2000	Robert L. Thornton	SIROS-020	8650

TITLE OF INVENTION: NEAR FIELD OPTICAL APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/29/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: **Mail**

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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22887 7590 03/29/2004

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IRVINE, CA 92614

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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nonprovisional	YES	\$665	\$0	\$665	06/29/2004
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EXAMINER	ART UNIT	CLASS-SUBCLASS
MONBLEAU, DAVIENNE N	2878	372-043000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee
 Advance Order - # of Copies _____

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A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)	(Date)
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NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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DISCOVISION ASSOCIATES INTELLECTUAL PROPERTY DEVELOPMENT 2355 MAIN STREET, SUITE 200 IRVINE, CA 92614				MONBLEAU, DAVIENNE N
		ART UNIT		PAPER NUMBER
				2878

DATE MAILED: 03/29/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 80 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 80 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability	Application No.	Applicant(s)	
	09/650,969	THORNTON ET AL.	
	Examiner	Art Unit	
	Davienne Monbleau	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the interview on 2/2/04 and the examiner's amendment included herein.
2. The allowed claim(s) is/are 1-48.
3. The drawings filed on are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. .
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date .
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Paper No./Mail Date 4/24/02.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 2/19/04
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other

EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE

Response to Amendment

The amendment filed on 12/3/03 has been entered. Claims 1, 9, and 19 have been amended. Claims 1-44 are pending.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Stokey on 2/12/04.

The application has been amended as follows:

1. (CURRENTLY AMENDED) A near field optical apparatus comprising:
a light source;
a conductive layer defining [an] a subwavelength aperture therein, said aperture having a perimeter;
said conductive layer having at least one protrusion extending into said aperture at said perimeter, wherein said protrusion into said aperture is of sufficient size to produce a transmission mode with very high throughput.

9. (CURRENTLY AMENDED) A near field optical apparatus, comprising:
 - (a) a light source;
 - (b) a conductive plane proximate to said light source, said conductive plane having [an] a subwavelength aperture therein positioned such that light from said light source passes through said aperture;
 - (c) said conductive plane including at least one protrusion which extends into said aperture, wherein said protrusion into said aperture is of sufficient size to produce a transmission mode with very high throughput.
19. (CURRENTLY AMENDED) A semiconductor laser apparatus comprising a light source and an emission facet having a conductive surface, said conductive surface having [an] a subwavelength aperture therein, said conductive surface including at least one protrusion extending into said aperture, wherein said protrusion into said aperture is of sufficient size to produce a transmission mode with very high throughput.
20. (CURRENTLY AMENDED) A near filed optical apparatus comprising a light source and a conductive plane having [an] a subwavelength aperture therein, said aperture including a plurality of spaced apart slots, and at least one connector region joined to each adjacent said spaced apart slot, wherein said slots of said aperture are of sufficient size to produce a transmission mode with very high throughput.

21. (CURRENTLY AMENDED) The near field optical apparatus of claim [1] 20,

wherein said aperture comprises:

- (a) a first slot of Length L_1 ;
- (b) a second slot of Length L_2 ; and
- (c) at least one connector region of width W , said connector region joined to said first slot and said second slot.

30. (CURRENTLY AMENDED) A semiconductor laser apparatus, comprising:

- (a) a laser active region;
- (b) a first reflective region adjacent a first side of said active region;
- (c) a second reflective region adjacent a second side of said active region;
- (d) an emission face proximate to said first reflective region, said emission face including a reflective, conductive layer thereon; and
- (e) said emission face including [an] a subwavelength aperture extending through said reflective conductive layer and into at least a portion of said first reflective region, said reflective conductive layer including at least one protrusion which extends into said aperture, wherein said protrusion into said aperture is of sufficient size to produce a transmission mode with very high throughput.

37. (CURRENTLY AMENDED) A semiconductor laser comprising:

- (a) a laser active region;
- (b) an first conductivity type upper reflective region adjacent an upper side of said active region;
- (c) a second conductivity type lower reflective region adjacent a lower side of side active region; and
- (d) an emission facet adjacent said upper reflective region, and emission facet having [an] a subwavelength aperture therein,

said aperture smaller than a guide mode of said semiconductor laser, [said aperture extending into at least a portion of] said upper reflective region having at least one protrusion extending into said aperture, wherein said protrusion is of sufficient size to produce a transmission mode with very high throughput.

45. (NEW) The near field optical apparatus of claim 1, wherein said aperture generally forms a C shape.

46. (NEW) The near field optical apparatus of claim 1, wherein said aperture generally forms an H shape.

47. (NEW) The near field optical apparatus of claim 1, wherein for said subwavelength aperture the wavelength of light of said light source is greater than the width of said aperture.

48. (NEW) The near field optical apparatus of claim 1, wherein for said subwavelength aperture the wavelength of light of said light source is greater than half the width of said aperture.

Allowable Subject Matter

Claims 1-48 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding Claims 1-19 and 30-48, the cited prior art of record does not teach or fairly suggest a near field optical apparatus comprising, along with the other claimed features, a subwavelength aperture and at least one protrusion extending into said aperture, wherein said protrusion into said aperture is of sufficient size to produce a transmission mode with very high throughput.

Regarding Claims 20-29, the cited prior art of record does not teach or fairly suggest a near field optical apparatus comprising, along with the other claimed features, a subwavelength aperture, said aperture including a plurality of spaced apart slots, wherein said slots of said aperture are of sufficient size to produce a transmission mode with very high throughput.

In particular, the Applicant's claimed invention is distinguished from the cited prior art of record because although *Sun* teaches in Figure 6 different aperture shapes, *Sun* does not teach or suggest that these apertures are implemented into a subwavelength aperture. Furthermore, *Sun* does not teach or suggest an aperture shape that includes a protrusion of sufficient size to produce a transmission mode with very high throughput.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davienne Monbleau whose telephone number is 571-272-1945. The examiner can normally be reached on Mon-Fri 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davienne Monbleau
DNM



DAVID PORTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800